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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,967	06/21/2002	Takanori Senoh	P22091	7033

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EXAMINER	
PATEL, NIRAV B	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/069,967	SENOH ET AL.	
	Examiner	Art Unit	
	Nirav Patel	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/20/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on 6/21/2002.

2. Applicant's preliminary amendment filed on July 24, 2002 has been entered. Claims 1-24 are under examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Kori et al (US Patent No. 6,687,802).

As per claim 21, Kori teaches:

data creating section which creates and records content in a predetermined recording medium **[Fig. 3]**; an identification information adder which adds apparatus identification information for identifying the content recording apparatus, to the content created at the data creating section **[Fig. 3 col. 12 lines 4-7]**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6-11,13-20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagawa et al (US Patent No. 6,751,598) and in view of Kori et al (US Patent No. 6,687,802).

As per claim 1, Yagawa teaches:

receiving the content **[Fig. 1]**;

transmitting the content to the telecommunication network **[Fig. 1]**;

receiving at the user terminal **[Fig. 1 component 4]**,

judging whether the content is a legal copy or an illegal copy at the user terminal **[col. 2 lines 33-37]** based on the extracted apparatus identification information (i.e. keys or codes) and the identification code (i.e. keys or codes) **[col. 8 lines 50-56]**; and stopping reception and playback of the content at the user terminal when the content is judged an illegal copy **[col. 8 lines 52-56, 58-61, abstract lines 6-9].**

Yagawa teaches the storage medium have keys or codes (i.e. identification information) with content **[Fig. 1 component 1, col. 5 lines 44-46],** the information about key or code is also read through the communication network **[col. 2 lines 48-51]** and

discriminates the key through the comparison with a key attached to the content **[col. 8 lines 48-52].** Yagawa doesn't expressively mention that *apparatus* identification information (i.e. apparatus ID) and content identification code (i.e. content ID).

Kori teaches the *apparatus* identification information (i.e. apparatus ID) and content identification code (i.e. content ID) **[Fig. 3 col. 11 lines 36-40, col. 12 lines 4-7];** extracting, at the user terminal, the apparatus identification information and the identification code from the received at least one part of the content **[col. 10 lines 1-4, col. 42 lines 24-28].**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kori into the teaching of Yagawa to utilize the apparatus identification information (i.e. apparatus ID) and content identification code. The modification would be obvious because one of ordinary skill in the art would be motivated to prevent illegal copying of an information signal and to protect the right of the proprietor of the copyright of the information **[Kori, col. 4 lines 35-37].**

As per claim 2, the rejection of claim 1 is incorporated and further Yagawa teaches:

the judging judges whether the content is a legal copy or an illegal copy on the basis of the combination of the apparatus identification information and identification code (i.e. keys or codes) extracted **[abstract lines 5-7, col. 8 lines 43-56].**

As per claim 3, the rejection of claim 2 is incorporated and further Yagawa teaches: wherein the user terminal further performs receiving the apparatus identification information and identification code in advance **[col. 2 lines 48-51],**

wherein the judging judges that the content is a legal copy when an combination of the apparatus identification information and the identification code received in advance is the same as an combination of the apparatus identification information and the identification code extracted, and judges that the content is an illegal copy when the combinations are different **[abstract lines 5-9, col. 8 lines 43-56, 58-61].**

In addition, Kori teaches the apparatus ID is stored in advance **[col. 11 line 55].**

As per claim 4, the rejection of claim 3 is incorporated and further Yagawa teaches:

posting the received at least one part of the content on the electronic bulletin board (i.e. server) to disclose, when the content is judged to be an legal copy by the judging **[Fig. 1 col. 7 lines 10-14, col. 6 lines 45-48].**

As per claim 6, the rejection of claim 1 is incorporated and Kori teaches:

creating the content **[Fig. 1]**; and creating the identification code for uniquely identifying the content **[Fig. 1 col. 6 lines 30-33]**, wherein the identification information and the created identification code are included in the content as electronic watermark information **[col. 7 lines 1-4, col. 12 lines 4-9].**

As per claim 7, the rejection of claim 6 is incorporated and Kori teaches:

the identification information and the created identification code are encoded in advance as electronic watermark information **[Fig. 1].**

As per claim 8, it is a system claim corresponds to method claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above.

As per claim 9, the rejection of claim 8 is incorporated and further claim 9 is a system claim corresponds to method claim 2 and is rejected for the same reason set forth in the rejection of claim 2 above.

As per claim 10, the rejection of claim 9 is incorporated and further claim 10 is a system claim corresponds to method claim 3 and is rejected for the same reason set forth in the rejection of claim 3 above.

As per claim 11, the rejection of claim 10 is incorporated and further claim 11 is a system claim corresponds to method claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 13, the rejection of claim 8 is incorporated and further claim 13 is a system claim corresponds to method claim 6 and is rejected for the same reason set forth in the rejection of claim 6 above.

As per claim 14, the rejection of claim 13 is incorporated and further claim 14 is a system claim corresponds to method claim 7 and is rejected for the same reason set forth in the rejection of claim 7 above.

As per claim 15, it is a computer-executable program claim corresponds to method claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above. In addition, Yagawa teaches the computer-executable program **[col. 2 lines 65-66].**

As per claim 16, the rejection of claim 15 is incorporated and further claim 16 is a computer-executable program claim corresponds to method claim 2 and is rejected for the same reason set forth in the rejection of claim 2 above.

As per claim 17, the rejection of claim 16 is incorporated and further claim 17 is a computer-executable program claim corresponds to method claim 3 and is rejected for the same reason set forth in the rejection of claim 3 above.

As per claim 18, the rejection of claim 17 is incorporated and further claim 18 is a computer-executable program claim corresponds to method claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 19, the rejection of claim 15 is incorporated and further Kori teaches:

the extracting decodes and extracts the apparatus identification information and the identification code when the apparatus identification information and the identification code are encoded **[Fig. 3 col. 10 lines 1-4].**

As per claim 20, the rejection of claim 15 is incorporated and claim is a recording medium claim corresponds to method claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above. In addition, Kori teaches the recording medium **[abstract line 3].**

As per claim 22, Yagawa teaches:

a content receiving section which receives content including apparatus identification information (i.e. key or code) **[Fig. 1]**;

a legality judging section which judges legality of the apparatus identification information (i.e. key or code) included in the content **[Fig. 1, abstract lines 5-7, col. 8 lines 48-56];**

wherein the legality judging section stops recording of the content when the apparatus identification information (i.e. key or code) is judged to be illegal **[Fig. 1, col. 8 lines 58-61].**

Yagawa doesn't expressively mention that the apparatus identification information.

However, Kori teaches the apparatus identification information (i.e. apparatus ID **[Fig. 3, col. 13 lines 58-59].**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kori into the teaching of Yagawa to utilize the apparatus identification information (i.e. apparatus ID). The modification would be obvious because one of ordinary skill in the art would be motivated to prevent illegal copying of an information signal and to protect the right of the proprietor of the copyright of the information **[Kori, col. 4 lines 35-37].**

As per claim 23, it is a playback apparatus claim corresponds to recording apparatus claim 22 and is rejected for the same reason set forth in the rejection of claim 22 above. In addition, Kori teaches the playback device **[col. 1 lines 11-12].**

5. Claims 5, 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagawa et al (US Patent No. 6,751,598) in view of Kori et al (US Patent No. 6,687,802) and in view of Marconcini (US Patent No. 6,834,110).

As per claim 5, the rejection of claim 4 is incorporated and Yagawa and Kori don't expressively mention that information for specifying a sender of the content and reception of the disclosed content on the basis of the information for specifying the sender.

Marconcini teaches that information for specifying a sender of the content **[col. 24 lines 11-14]** and reception of the disclosed content on the basis of the information for specifying the sender **[col. 12 lines 23-28].**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Marconcini into the teaching of Yagawa and Kori to utilize the owner (i.e. sender) information that identify the content. The modification would be obvious because one of ordinary skill in the art would be motivated to provide the secure delivery and right management of digital assets **[Marconcini, col. 1 lines 14-15].**

As per claim 12, the rejection of claim 11 is incorporated and further claim 10 is a system claim corresponds to method claim 5 and is rejected for the same reason set forth in the rejection of claim 5 above.

As per claim 24, the rejection of claim 8 is incorporated and Kori teaches:

a unique code generator which generates a unique code for the content **[Fig. 1 component 3]** from information on an apparatus, by which the content is created **[Fig. 3. apparatus ID]**. Yagawa and Kori don't expressively mention that information on a content owner.

Marconcini teaches that information on a content owner **[col. 24 lines 11-14].**

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kataoka et al (US 5,857,021) disclose a security system for protecting information stored in portable storage media by checking identifiers assigned to each medium, system, and terminal.

Matsumoto et al (US 6,320,829) discloses the copying of digital data from a digital recording medium is controlled so as to prevent unauthorized copying.

Sako et al (US 6,215,745) discloses the data recording apparatus capable of preventing easily copying of information, even if information is copied, the copied information cannot be reproduced.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NBP
12/14/05